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EXAMINER				
ZHAO, DAQUAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,971

Applicant(s)

BRULS ET AL.

Examiner

DAQUAN ZHAO

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 6/19/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11-13, 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Carrubba et al (US 5,629,866).

For claim 1, Carrubba et al teach a method for handling a first digital media data stream and a second digital media data stream having additional information related to the first media data stream, comprising the steps of: retrieving media data for the first digital media data stream from a first medium; and retrieving media data for the second media data stream from a second medium (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 19, Carrubba et al teach apparatus for handling a first media data stream and second media data stream having additional information related to the first media data stream, comprising: means for retrieving media data for the first and the second media data media data stream; and means for storing the media data of the first and the second media data streams on separate media (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 21, Carrubba et al teach apparatus for handling a first media data stream and second media data stream having additional information related to the first

media data stream, comprising: means for retrieving media data for the first media data stream from a first medium; and means for retrieving media data for the second media data stream from a second medium (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 23, Carrubba et al teach a computer readable medium having embodied thereon a computer program for processing by a computer, the computer program comprising: a code segment for carrying out the method according to any of the claims 1-11 or the method according to any of the claims 12-18 (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 2, Carrubba et al teach the first media data stream is a base layer stream and the second media data stream comprises information for improving the quality of the first media data stream, which streams are handled separately until the second media data stream is utilized for enhancing the resolution of the first media data stream (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 3, Carrubba et al teach the media data for the first media data stream is retrieved from a first memory, or retrieved from a signal carrying the first media data stream over a first channel of a wireless or wire based transmission medium; and the media data for the second media data stream is retrieved from a second memory, or retrieved from a signal carrying said second stream over a second channel of the wireless or wire based transmission medium (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 11, Carrubba et al teach the second media data stream comprises model data for enhancing the resolution of the first media data stream when rendered (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 12, Carrubba et al teach retrieving data for the first media data stream and the second media data stream from at least a first medium; and storing the first media data stream and the second media data stream on separate media (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 13, Carrubba et al teach the first media data stream is stored in a first memory, and the second media data stream is stored in a second memory (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 15, Carrubba et al teach the data for the first and the second media data streams are retrieved from separate first and second medium (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 17, Carrubba et al teach step of retrieving data comprises the step of: retrieving the first and second media data stream from a layered transmission stream received over a transmission medium (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 18, Carrubba et al teach the step of retrieving further comprises the step of: encoding the retrieved media data into at least two associated layers being the first media data stream and the second media data stream (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 20, Carrubba et al teach means for encoding a media data stream into the first media data stream and the second media data stream (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65).

For claim 22, Carrubba et al teach means for synchronizing the first and second media data streams; means for decoding the first media data stream; means for decoding the second media data stream; and means for combining the decoded media data stream (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65, column 2, lines 50-62).

For claim 16, Carrubba et al teach the data is retrieved from a signal received over a wireless or wire based transmission medium carrying the media data for the first and the second media data streams (e.g. figure 1, column 3, line 44-column 4, line 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrubba et al (US 5,629,866) as applied to claims 1-3, 11-13, 15-23 above, and further in view of Nakajima (US 2002/0,057,900 A1).

see the teaching of Carrubba et al above.

For claim 5, Carrubba et al fail to teach checking the validity of a time restriction of at least one of the first and the second media data streams. Nakajima teaches checking the validity of a time restriction of at least one of the first and the second media data streams (e.g. abstract, figure 9, step s22 and s33, paragraph 101-104). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Nakajima into the teaching of Carrubba et al for copy protection (Nakajima, paragraph 27).

For claim 6, Nakajima teaches determining whether any of the first or second media data streams are unauthorized copies by checking that data which are not allowed to be copied are present; and prohibiting rendering of any unauthorized copied media data stream (e.g. figure 9, step s31).

For claim 10, Nakajima teaches deleting at least the media data for one of the first or the second media data streams from a memory if the media data is no longer valid (e.g. figure 9, step S33).

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrubba et al (US 5,629,866) as applied to claims 1-3, 11-13, 15-23 above, and further in view of Oshima et al (US 6,925,250 B1).

See the teaching of Carrubba et al.

For claim 7, Carrubba et al teach synchronizing the first and the second media data streams (e.g. column 2, lines 50-63). However, Carrubba et al fail to teach using the time stamps, frame numbers, or packet identifiers for synchronization. Oshima et al

teach using the time stamps, frame numbers, or packet identifiers for synchronization (e.g. figure 26, column 22, lines 6-34). It would have been obvious to one ordinary skill in the art at the time the invention was made to use the time stamps of Oshima et al to synchronization the basic part and the complementary part for merging them at the right moment (e.g. Carrubba et al, column 2, lines 50-63).

For claim 8, Carrubba et al teach decoding the first media data stream; and decoding the second media data stream (e.g. figures 8-9, column 2, lines 16-31 and column 6, lines 13-65, column 2, lines 50-62).

For claim 9, Carrubba et al teach combining the first decoded media data stream and the second decoded media data stream to an enhanced decoded media data stream (e.g. Carrubba et al, column 2, lines 50-63).

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrubba et al (US 5,629,866) as applied to claims 1-3, 11-13, 15-23 above, and further in view of Official Notice.

see the teaching of Carrubba et al above.

For claims 4 and 14 above, Carrubba et al fail to specify the first memory is an hard disc, or a solid state memory; and the second memory is an optical disc, or vice versa. The examiner takes official notice for the hard disc, or the solid state memory and the optical disc since they are well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to user an hard disc, or a solid state memory as the first memory as taught by Carrubba et al; and use the second

memory is an optical disc as taught by Carrubba et al, or vice versa for a obvious design choice, and the types of medium used for the first and second memory do not make any patentable difference or increase the storage capacity because optical disc has large capacity.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeuchi et al (US 2002/0,051,581 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621
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/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621